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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

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14 **UNITED STATES OF AMERICA**)
15)
16 Plaintiff,)
17)
18 v.) CASE NO: 2:15-cr-285-APG-PAL
19)
20 **CHARLES BURTON RITCHIE, and**) STIPULATION TO CONTINUE
21 **BENJAMIN GALECKI,**) PRETRIAL MOTION DEADLINES
22 **a/k/a ZENCENSE BEN**) CALENDAR CALL AND TRIAL DATE
23 **RYAN MATTHEW EATON,**) [PROPOSED ORDER]
24)
25 Defendant.)
26)

19
20 **IT IS HEREBY STIPULATED and AGREED** by and between James E. Keller, Assistant
21 United States Attorney, Charles Anthony Miracle, U.S. Department of Justice, Cole Arnold
22 Radovich, U.S. Department of Justice, and David Z Chesnoff, Esq., and Richard A. Schonfeld,
23 attorney for Defendant, Benjamin Galecki and John Lloyd Snook, III, Esq., attorney for Defendant,
24 Charles Burton Ritchie, and Shawn R. Perez, Esq., attorney for Defendant, Ryan Matthew Eaton,
25 that Defendants shall have to and including January 16, 2018, within which to file the Defendant's
26 pretrial motions.

1 **IT IS FURTHER STIPULATED AND AGREED**, by and between the parties herein, that
2 the government shall have to and including, February 9, 2018, within which to file any and all
3 responsive pleadings.

4 **IT IS FURTHER STIPULATED AND AGREED**, by and between the parties herein that
5 the Defendant shall have to and including, February 19, 2018, within which to file any and all replies
6 to said motions.

7 That the calendar call scheduled for May 15, 2018 at 8:45 a.m. in this matter will commence
8 on the scheduled date and time and is not impacted by this Stipulation. That the trial in this matter
9 currently scheduled for May 21, 2018, at the hour of 9:00 a.m., will commence on the scheduled date
10 and time and is not impacted by this Stipulation.

11 While the parties agree to the above stated extensions of deadlines the parties disagree on
12 whether grounds asserted on prior motions briefed before the court can or cannot be filed at this
13 juncture, which this stipulation does not address.

14 Accordingly,

15 This Stipulation is entered into for the following reasons:

16 1. That Counsel Schonfeld has just recently substituted in for Defendant Galecki and
17 has not received discovery in this matter; notwithstanding multiple requests having been made to
18 prior counsel William H. Gamage;

19 2. That Counsel Schonfeld needs the additional time to prepare pretrial Motions as a
20 result of his recent appearance in this case;

21 3. That Counsel Schonfeld has been in communication counsel for the co-defendants
22 and counsel for the government and there is no objection to the continuance as outlined above;

1 4. For all the above-stated reasons, the ends of justice would best be served by a
2 continuance of the parties' motions deadline, response deadline, reply deadline;

3 5. Denial of this request for continuance of the pretrial motions deadline would deny
4 counsel for Defendant sufficient time within which to be able to adequately research, prepare, and
5 submit for filing appropriate motions taking into account the exercise of due diligence;

6 6. Additionally, denial of this request for continuance would result in a miscarriage of
7 justice;

8 7. For all the above-stated reasons, the ends of justice would best be served by a
9 continuance for the parties' pretrial motions, response deadline and Reply deadline;

10 8. This is Counsel Schonfeld's first request for continuance of the pretrial motions,
11 response deadlines and Reply deadline on behalf of the Defendant Galecki.

12 **DATED** this ____ day of November, 2017.

13 **UNITED STATES ATTORNEY**

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15 _____
16 /s/
17 **JAMES E. KELLER, AUSA**
18 100 West Liberty
19 Reno, Nevada 89501
20 Attorney for Plaintiff

21 _____
22 /s/
23 **COLE RADOVICH** / Trial Attorney
24 Narcotic and Dangerous Drug Section
25 Criminal Division / U.S. Department of Justice
26 145 N Street NE / Second Floor, East Wing
 Washington D.C. 20530

1 **CHESNOFF & SCHONFELD**

2 _____
3 /s/
4 **DAVID Z. CHESNOFF, ESQ.**
5 Nevada Bar No. 2292
6 **RICHARD A. SCHONFELD, ESQ.**
7 Nevada Bar No. 6815
8 520 South Fourth Street
9 Las Vegas, Nevada 89101
10 Attorney for Defendant,
11 Benjamin Galecki

1 /s/

2 **JOHN LLOYD SNOOK, III**

3 Snoot & Haughey, P.C.
408 East Market Street, Suite 107

5 Charlottesville, Virginia 22902

6 Attorney for Defendant, Charles Burton Ritchie

7 /s/

8 **SHAWN R. PEREZ, ESQ.**

9 Law Office of Shawn R. Perez

10 626 South Third Street

11 Las Vegas, Nevada 89101

12 Attorney for Defendant, Ryan Matthew Eaton

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FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. That Counsel Schonfeld has just recently substituted in for Defendant Galecki and has not received discovery in this matter; notwithstanding multiple requests having been made to prior counsel William H. Gamage;

2. That Counsel Schonfeld needs the additional time to prepare pretrial Motions as a result of his recent appearance in this case;

3. That Counsel Schonfeld has been in communication counsel for the co-defendants and counsel for the government and there is no objection to the continuance as outlined above;

4. For all the above-stated reasons, the ends of justice would best be served by a continuance of the parties' motions deadline, response deadline, reply deadline;

5. Denial of this request for continuance of the pretrial motions deadline would deny counsel for Defendant sufficient time within which to be able to adequately research, prepare, and submit for filing appropriate motions taking into account the exercise of due diligence;

6. Additionally, denial of this request for continuance would result in a miscarriage of justice:

7. For all the above-stated reasons, the ends of justice would best be served by a continuance for the parties' pretrial motions, response deadline and Reply deadline:

8. This is Counsel Schonfeld's first request for continuance of the pretrial motions, response deadlines and Reply deadline on behalf of the Defendant Galecki

ORDER

IT IS HEREBY ORDERED that the parties herein shall be have to and including January 16, 2018, within which to file any and all pre-trial motions.

IT IS FURTHER ORDERED that the parties herein shall have to and including February 9, 2018, within which to file any and all responsive pleadings.

IT IS FURTHER ORDERED that the parties herein shall have to and including February 19, 2018, within which to file any and all replies.

IT IS FURTHER ORDERED that the calendar call scheduled for May 15, 2018 at 8:45 a.m. in this matter will commence on the scheduled date and time and is not impacted by this Stipulation. That the trial in this matter currently scheduled for May 21, 2018, at the hour of 9:00 a.m., will commence on the scheduled date and time and is not impacted by this Stipulation.

DATED this 1st day of December, 2017.

Submitted by:

UNITED STATES DISTRICT JUDGE

RICHARD A. SCHONFELD, ESQ.